S.B.CRIMINAL MISC.III BAIL APPLICATION NO.5186/2006

Date : 17.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. R.K. Charan for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that present case is one under Section 304 IPC and the accused applicant is in jail since long. It has been submitted that charge-sheet in the case has been filed and no useful purpose will be served by keeping the applicant in jail during the course of trial. It has further been submitted that the applicant is only driver of the bus and when the bus was taken in the water due to over flow of the water, the bus turned down in the river and five person died.

On the other hand, it has been argued that on account of rash and negligent driving of the applicant, five person died. It has further been submitted that the driver of the bus did not care

to the request of the passengers and took the bus in the water but due to over-flow when he tried to come back, the bus turned down and fiver passengers died, therefore, the applicant should not be enlarged on bail.

I have considered the submissions made before me and perused the material placed on record.

It appears from the perusal of the charge-sheet and the statements recorded during the course of investigation that five persons died due to rash and negligent driving of the accused applicant and inspite of request made by the passengers to stop the bus, he did not stop the bus and took it into the water and on account of excessive water-flow the bus turned down.

In above circumstances, considering the fact that on account of negligence of the applicant five persons died, I do not feel inclined to grant bail to the applicant. Accordingly, the bail application stands rejected. However, it is directed that the learned trial court shall expedite the trial and the applicant shall be liberty to move regular bail application before the learned trial court after recording of the material witnesses in this case.

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(SATYA PRAKASH PATHAK), J.